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Pay + Allow 110

OGC HAS REVIEWED.

MEMORANDUM FOR THE RECORD:

SUBJECT: Payment of Per Diem to Dependents Evacuated from Emergency Posts

REFERENCE: Memorandum for Deputy Director (Support) from Director of Communications and Assistant Director for Operations, subject: 25X1A [REDACTED] Emergency Planning, dated 1 July 1955.

1. One of the problems presented in the referenced memorandum concerns the legality of paying per diem to the dependents of staff personnel while those dependents, without their sponsor, are temporarily residing at a post of evacuation either in an overseas area or in the United States.

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2. Because of the large number of dependents that would have to be evacuated from [REDACTED] if such action is deemed necessary, the Director of Communications feels that it would probably be impossible to effect re-deployment in the immediate area and that many or most of the dependents might have to be brought to the United States. Under certain factual situations if these dependents were brought to the United States they would not establish a permanent residence here. Cases where only a temporary residence would be established would be those in which the sponsor is, within the period of say less than 90 days, to be transferred from [REDACTED] to another overseas post, or where the dependents have no permanent residence facilities available in the United States and it would be anticipated that they would be returned to [REDACTED] within 90 days. In these cases, the Director of Communications feels that a separation allowance, which would average something like \$5 a day for a wife and one child, would be inadequate and that per diem should be paid.

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3. The Chief, Fiscal Division and the Finance Division representative attending the meeting referred to in the reference took immediate exception to the Commo. proposal that per diem be paid if evacuation was to the United States although they had no objection to the payment of per diem in lieu of a separation allowance, if the evacuation was to another overseas post. On the basis of the language of the Foreign Service Travel Regulations, I indicated that it appeared to me to make no difference whether the post of evacuation was in or out of the United States.

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[REDACTED] The introductory paragraph to [REDACTED] provides for the payment of expenses authorized thereunder "in accordance with applicable provisions of the Foreign Service Regulations".

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5. Section 3.1(f) of the Foreign Service Travel Regulation under heading of "Allowable Travel Expenses" reads:

"When ordered to evacuate a post, travel and per diem for employee and family and transportation of his effects from post to any destination specified in travel authorization, but no per diem at specified destination unless specifically authorized".

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Presuming specific authorization for payment of per diem in the [redacted] evacuation situation, I asked Mr. Henry Barclay of the General Accounting Office (code 195, x-5418) on 12 July 1955 whether he felt that it would make a difference if the dependents were evacuated to the United States rather than to another foreign post. On the basis of the language contained in Foreign Service Travel Regulation 3.1(f) he could not see why the location of the evacuation post should make a difference. However, he questioned whether per diem could be paid to dependents at the post of evacuation wherever that post might be. He said that he could not, on the face of the statutory authority, get to the language of section 3.1(f) which reads:

"....but no per diem at specified destination unless specifically authorized."

I advised him that we had not considered the legality of this language, assuming that State had cleared this regulation with the General Accounting Office as they usually do before publication, and that we knew they had paid per diem at the specified post of destination when the post was outside the United States. He agreed that an exception to the general rule of paying per diem to dependents only when in an actual travel status might be intended under emergency conditions. He said that we would look into the matter and advise us.

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[redacted]